

**In the Matter Of:**

LAURIE ORTOLANO vs

CITY OF NASHUA

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**MICHAEL CARIGNAN**

*April 19, 2024*

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

\* \* \* \* \*  
LAURIE ORTOLANO,  
Plaintiff,  
vs.  
CITY OF NASHUA, et al.,  
Defendants.  
\* \* \* \* \*

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\* No.  
\* 1:22-cv-00326-LM  
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VIDEOCONFERENCE DEPOSITION OF MICHAEL CARIGNAN,  
Deposition taken with all parties appearing remotely,  
on Friday, April 19, 2024, commencing at 3:11 p.m.

Court Reporter:  
Pamela J. Carle, LCR, RPR, CRR

MICHAEL CARIGNAN

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<p style="text-align: right;">Page 82</p> <p>1 posture was in -- Ms. Ortolano was in when she was 2 in the legal office?</p> <p>3 A. I believe she was sitting down in front 4 of the door. If I remember right, that's what -- 5 that's what's coming to mind.</p> <p>6 Q. She was sitting on the floor.</p> <p>7 A. Correct.</p> <p>8 Q. Did Mr. Bolton tell you that she had 9 made threats?</p> <p>10 A. I don't believe so. I don't recall him 11 saying that she had made threats.</p> <p>12 Q. No one else in the meeting said that 13 she had made threats?</p> <p>14 A. Not that I remember.</p> <p>15 Q. Was it your position at the time that 16 you were going to stick with what the officers had 17 found and put in their papers that they had 18 created for the incident?</p> <p>19 A. Yes.</p> <p>20 Q. Do you have any reason to doubt that 21 what they said in that original incident report 22 and the supplemental narrative were anything other 23 than true and accurate?</p> <p>24 A. No, I -- I believe that they were 25 absolutely true and accurate.</p>	<p style="text-align: right;">Page 83</p> <p>1 Q. How long did the meeting with the legal 2 department last?</p> <p>3 A. Approximately a half an hour, maybe a 4 little less.</p> <p>5 Q. Now, you said that you were not going 6 to immediately arrest Ms. Ortolano. Did you say 7 anything else in terms of an investigation that 8 might follow?</p> <p>9 MR. CULLEN: Objection to form. You 10 can answer.</p> <p>11 A. I don't know the specific word, so did 12 I say the immediate -- to answer your question, I 13 don't know. My belief was that this matter was 14 closed, and we were not going to pursue further 15 charges.</p> <p>16 BY MR. MALAGUTI:</p> <p>17 Q. So I wrote down that Steve Bolton said 18 he was not satisfied, is that accurate?</p> <p>19 A. Yes.</p> <p>20 Q. And then he demanded -- I believe you 21 used the word he told you to arrest her 22 immediately?</p> <p>23 A. That's correct.</p> <p>24 Q. Go ahead.</p> <p>25 A. He didn't say immediately -- paraphrase</p>
<p style="text-align: right;">Page 84</p> <p>1 the conversation, he said that we should arrest 2 her, or you should be able to arrest her.</p> <p>3 Q. Would you consider what he said to have 4 been a demand that you arrest her?</p> <p>5 A. He was trying to present it as a 6 demand.</p> <p>7 Q. Okay, what else did he say, if 8 anything, during that up to a half an hour 9 meeting?</p> <p>10 A. That's pretty much -- the conversation 11 was about his position of us arresting her and us 12 not going to do what he said. And there was back 13 and forth, and I don't remember specific 14 conversations or specific words that were used, but 15 he wanted us to have her arrested, and at that time 16 I was not of the opinion that we would be 17 arresting her.</p> <p>18 Q. And did you say anything else that you 19 haven't already told us?</p> <p>20 A. Not that I know of, no.</p> <p>21 Q. Now, was the meeting being audio or 22 video recorded, to your knowledge?</p> <p>23 A. To my knowledge, no.</p> <p>24 Q. Did you notice whether anyone was 25 taking notes of the meeting?</p>	<p style="text-align: right;">Page 85</p> <p>1 A. I don't notice -- I did not notice.</p> <p>2 Q. Now, you're the -- you were then the 3 chief, so you're not the kind of person who would 4 rush back and file an incident report, I would 5 imagine, would that be correct?</p> <p>6 A. That's correct.</p> <p>7 Q. Did you, upon returning to your office, 8 create any written documents in regard to the 9 meeting?</p> <p>10 A. I don't believe I did. I generally as 11 the chief didn't do documents based on meetings.</p> <p>12 Q. And did you discuss the meeting with 13 any of your command staff or anyone else in the 14 police department?</p> <p>15 A. Sure. I don't remember specifically 16 who was present, but it's something I would have -- 17 it's a conversation I would have had with -- if 18 Kevin Rourke was with me at the meeting, we would 19 have talked about, again, I don't remember if he 20 was there or not, but if not, we would have talked 21 about it back in my office.</p> <p>22 Q. Do you remember if the meeting came up 23 at one of the morning meetings?</p> <p>24 A. At the meeting, no. That's generally 25 not something I would discuss.</p>

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<p style="text-align: right;">Page 86</p> <p>1 Q. Were there further conversations with 2 Steve Bolton or anyone on his staff between the 3 time you left that meeting and when Ms. Ortolano 4 was actually arrested? 5 A. No. 6 Q. Now, when you were dealing with 7 Mr. Bolton and the tall red-headed attorney and 8 others, is it fair to say that there was no 9 attorney-client relationship because they -- you 10 considered them to be the victims rather than 11 attorneys? 12 MR. CULLEN: Objection to form. You 13 can answer. 14 MR. MALAGUTI: No, that's a bad 15 question, so let me reform it. 16 BY MR. MALAGUTI: 17 Q. Is it fair to say that you did not 18 consider there to be an attorney-client 19 relationship with anyone in the legal department 20 regarding the January 22nd incident? 21 A. Yes. 22 Q. In fact, you told us early on that 23 there are very limited circumstances by which 24 there's an attorney-client relationship with the 25 city legal department and the police department?</p>	<p style="text-align: right;">Page 87</p> <p>1 A. Correct. 2 Q. You got further communications from the 3 legal department -- and let me reframe that. 4 To your knowledge, did you or anyone at 5 the police department get further communications 6 from the legal department between the time that 7 the meeting occurred and Ms. Ortolano was 8 arrested? 9 A. I don't -- I don't recall specifically 10 getting any myself. I know that there were several 11 conversations back throughout this entire ordeal, 12 not just this arrest, where Bolton would contact 13 the legal department, and I believe it was Captain 14 Brian Kinney at the time, or Lieutenant Kinney. 15 There was some -- I think some conversations there 16 that he let me know about. 17 Q. Captain or Lieutenant Brian Kinney, was 18 he in the police legal department or was he in 19 some other department? 20 A. He was part of the Nashua police legal 21 department. 22 Q. Was he an attorney? 23 A. No. 24 Q. Did -- it sounds like he got promoted 25 to captain, he might have been a lieutenant at the</p>
<p style="text-align: right;">Page 88</p> <p>1 time, so I'll just call him Brian Kinney. 2 Did Brian Kinney tell you the content 3 of those conversations between himself and 4 Steve Bolton? 5 A. The conversation, I don't recall him 6 telling me specifically, but it would have gone to 7 his captain up to the deputy to me. 8 Q. And you don't remember anything that 9 was said? 10 A. No. 11 Q. Admittedly, by the time it reached you 12 second or third-hand? 13 A. Correct. 14 Q. Do you remember the nature of what was 15 said? 16 A. I don't. I -- no, I remember the 17 conversation with Bolton, and we held firm that we 18 weren't going to pursue charges, and that's -- I 19 knew there was back and forth, but I don't remember 20 what they specifically were. 21 Q. Did you understand that Steve Bolton 22 was advocating for the arrest of Laurie Ortolano 23 when he spoke with Brian Kinney? 24 A. I believe so. I know for a fact he was 25 advocating for it when we had our meeting.</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. At some point did the police department 2 open an investigation into whether Laurie Ortolano 3 should get arrested? 4 A. Yes. 5 Q. How soon was that after the meeting at 6 Bolton's office? 7 A. I don't know specifically. If I had to 8 guess, it was within a week. 9 Q. Do you know why the investigation was 10 opened? 11 A. I do. 12 Q. Why? 13 A. I was advised by my deputies that they 14 wanted to open an investigation to re -- to relook 15 at the case because of a social media post that 16 Ms. Ortolano had posted, but if I remember right, 17 she was bragging about refusing to leave, and 18 not -- not obeying the commands of what the person 19 who had control of the property did, meaning the 20 legal department. 21 Q. You understand that Ms. Ortolano has a 22 First Amendment right to post on social media? 23 A. I do. 24 Q. You understand that Ms. Ortolano has a 25 right to post even offensive material under the</p>

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## CERTIFICATE

I, Pamela J. Carle, Registered Professional Reporter, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of the deposition of MICHAEL CARIGNAN, who was first duly sworn, taken at the place and on the date hereinbefore set forth, and that reading and signing of the transcript was not discussed.

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this case nor am I financially interested in this action.

THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER.



Pamela J. Carle, LCR, RPR, CRR